

**Jim Howard Grant d a new Trial
—Democratic Judges Dissent.**

The Court of Appeals has granted James Howard a new trial. Howard is under sentence of life imprisonment for the murder of William Goebel and has already been tried twice.

The opinion in the Howard case was written by Judge DuRelle and dissented from by Judges White, Paynter and Hobson.

The court holds that it was improper on cross examination to make Howard answer questions as to the details of the shooting of George Baker in Clay county and as to whether or not he killed Tom Baker.

Discussing the closing argument of the counsel of the State, the court says:

"It is impossible in reading this record to escape the conclusion that counsel determined to get around the former opinion of this court and by indirection and innuendo get before the jury exactly what the court had said should not be proven, and that they succeeded in their undertaking, having got before the jury a statement that the defendant was indicted for the murder of George Baker: that he was seeking a pardon for that offense; that he had been in the Richmond jail; that he was seeking the assistance of a Laurel county jury to obtain a pardon; that he was under suspicion of the murder of Tom Baker, committed under circumstances similar to the killing of Goebel, with which he is charged. These matters were argued to the jury as if proven, and doubtless produced the same effect upon the minds of the jury.

"We do not undertake to say that each and every one of these matters would be prejudicial in and of itself alone, but together in the manner in which they were presented to the jury they were prejudicial in a high degree.

"Upon the second trial an instruction was offered by the accused, and refused, that he could not be convicted upon evidence of what others did, but must be convicted, if at all, only upon his own acts and conduct, which must be proved beyond a reasonable doubt.

Judge Guffy concurs in the reversal for the sole reason that the court did not give the instruction indicated in the opinion, but holds that no other error was committed by the court to the prejudice of the appellant.

The case will likely be reheard by the new Court of Appeals, which will be Democratic by 5 to 2 after the first of next year.

Summer Coon.**ON CHURCH MUSIC.**

mont Pelee india

Brother Megarvey—I believe you are right about this music in churches, I think myself. I am in favor of more church music and less operatic performance in the house of the lords, tho I don't think there is any harm in a good musical instrument if it plays the right kind of music and tones on them such as sweet home and I went home until morning I have always admired them etc if they were sung and played right, sum times our church singers sing a little to scattering but that, caused by them wanting to imitate sum opy troop tha had herd the night before probably, I don't think the time is far off when you can see any difference between a church choir and a opy orchestra, stile and fashion is dun gon a head of the good lords calculation long ago, the onley way to come out successful now is to follow the majority right or wrong, if our forefathers and mothers could come back here now and see our church performence they would say olde nick has captured the whole load, wee dont veary eny in our political faith but wee keep in tuch with all religious changes, it wont be long before wee peopel of this world will be able to convince the master that his Book is a back number and of no intrust now whatever wee are getting smarter all the time, wee have dropped the bible standard and taken the gold standard for our salvation, it dont matter who you are and where you are, you are a lost chicken if you have no money in this world, I stopped and stayed all night not long ago in the mountains with a old friend and when bed time come he ses let us neel for prayor he began thvs

good lord have murey on mee and my wife my sun Jake and his wife us fore and no more amen

Summe, cocon

LAND, STOCK AND CROP ITEMS.

J. W. Redford and Jacob Hugue-

ly, both of Danville, sold to Simon

Weil, of Lexington, 200 fine export

cattle, averaging 1,800 pounds each,

at \$5.60 per hundred.

While attending the cattle show

at Chicago last week, T. C. Robin-

son, of Winchester, sold a cow

for \$400, one for \$355, a heifer for

\$300 and a bull calf for \$250.

Arbitration Decided Upon.

Arbitration has been decided upon by the Venezuelan Government as a means of escape from the present international difficulty. A discussion of terms of settlement was begun Wednesday afternoon at Caracas, and the United States Minister Bowen will be one of the arbitrators. The Venezuelan Government is in fear that coercive measures would follow an actual blockade. Leading citizens of Caracas petitioned President Castro to yield to the demands of the allies. In the House of Commons Premier Balfour admitted that a "peaceful blockade" does not exist, adding that the war had practically been in progress since the appearance of the allies' fleet off the South American coast. Admiral Dewey received orders from the Secretary of the Navy to dispatch a torpedo boat destroyer to La Guaira to be put at the service of Minister Bowen in case cable communication is interrupted by the blockade.

Reversal.

The Court of Appeals, Judge DuRelle writing Wednesday reversed the judgment of the Scott Circuit Court in the case of Kelly against Ferguson and eight other cases involving the city offices of Georgetown. The county election commission gave the offices, from mayor down, to the Democratic candidates. The Republicans contested in the Scott Circuit Court, charging fraud in the mutilation of ballots in certain precincts by the use of thumb stencils.

Judge Cantrill decided against them and allowed the Democratic incumbents to remain in office. The case will come before the new court in January on petition for rehearing.

Will Natural Gas be Piped Here?

The Appalachian Gas and Oil Company, of Lexington, which has leases including White Oak Natural Gas Wells in Estill county, is seriously contemplating the advisability of building pipe lines to the fields and supplying Lexington this city and Winchester with natural gas. The organization will investigate the situation and ascertain what they may reasonably rely on in the matter of supply and whether it would pay to pipe the fluid. The directors of the company are: Col. J. R. Allen, ex-Chief Justice J. H. Hazelrigg, Judge F. A. Bullock, John B., and C. P. Chenault, and others.

Standard Oil Company is looking to Kentucky to make up for decreased production of crude oil in Pennsylvania.

THE SCRIBBLER

Wise and Otherwise—Mostly Other—
Begged, Borrowed, Stolen.

The devil of a North Missouri paper has an ambition to become a paragrapher. The other day he produced the following, which he submitted to the editor:

There are no hair on a fog.
Good apples grow high, also cherries.

The bumble bee looks prett but, cut him out.

The farmer what raises wheat can get full and raise other things.

The Lord made the earth, but Morgan and Carnegie own it.

A corn is a wart on your toe; corns and warts is just the same, only different.

Here is a good one from the San Francisco Call: "A new Jersey man claims to have an educated alligator ten feet long, who will eat from the same plate with the house hold cat, without trying to swallow either the cat or the plate, and now if the alligator trainer will whirl in and train some of those New Jersey trusts to eat from the same dish as the public, without devouring the public, he will be a national benefactor."

The clothes press is a swell for garments nice and neat; the hay press is a good machine and does its work complete; the cider press is lovely with its juice so red and sweet, but the printing press controls the world and gets there with both feet.

The poet who wrote a flaming poem on martyrdom in which occurred the line, "See the pale martyr in his sheet of fire," was cut to the heart when it came out in the village paper: "See the tall martyr with his shirt on fire."

A certain young man who detected a piece of bark in his sausage went to the butcher's shop to know what had become of the rest of the dog. The butcher is reported to have been so affected that he could only give him a part of the tale.

Twelve million bacteria inhabit every half pound of cherries. But then that is their lookout. The unfortunate little insects are to be pitied, but they should roost somewhere else about ripening time.

Once upon a time a Topeka, Kansas, minister was preaching a sermon on "How Shall we Get to Heaven." Just outside the church there was a ball game in progress on a vacant lot. As a climax to his beautiful sermon the minister folded his hands, dropped his eyes toward the floor and said in a mel low voice: "And how shall we get to Heaven?" There was a moment's pause, then came an excited voice crying, "Slide, fellow, slide, slide, slide, like the devil, slide."

There is a whole lot of truth in the following from an exchange. "Remember, the good things in this world are the cheapest. Spring water costs less than corn whiskey; a box of cigars will buy two or three bibles; a gallon of old brandy cost more than a barrel of flour; a hand at poker costs more in twenty minutes than a church subscription will amount to in three years; a state election costs more than the revival of religion; you can sleep in church every Sunday morning, if you are mean enough to dead beat your lodging, but a nap in a Pullman costs \$2 every time. Fifty cents for the circus, a penny for the little ones to put in the missionary box; a dollar for the theatre, a pair of trousers frayed at the ends,

baggy at the knee and utterly busted at the dome, for the poor; the dancing lady gets \$600 a week and the city missionary \$600 a year; the horse race scoops in \$2,000 the first day and the church fair lasts a week, works twenty-five or thirty of the best women in America nearly to death, and comes out \$10 in debt."

Will be Ready For a Fight.

The men-of-war in Admiral Dewey's fleet have been placed during the holidays under disposition of the Secretary of the Navy in view of the complications arising in Venezuelan waters. The reported object of the move is to place the ships directly in control of that department, which will be in constant communication and co-operation with the State Department. Venezuelan affairs were considered Dec. 16, by the the Senate in executive session, but no action beyond a general discussion was taken. Signor de Riva, the Italian Minister at Caracas, presented his Government's ultimatum to Venezuela Tuesday, and Wednesday he took refuge on an Italian cruiser. The British Foreign Office in London gives no assurance that the plea for arbitration will be accepted by the English Government. It has been learned that an officer on the German cruiser Vineta was killed during the bombardment the 13, of the fortress at Puerto Cabello. Spain and Belgium have indicated that they desire a settlement of their claims against Venezuela.

High Waters.

The rise in the Ohio river is making trouble for steamboat interests in the vicinity of Cincinnati. The entire fleet of the People's Coal Company was torn loose from its moorings on the Kentucky shore Dec. 16, and swept down the river. Part of the fleet was lost. Nearly all the small streams in Kentucky were out of their banks and heavy damage is reported from many localities. Henry Taylor was drowned at Almo, Calloway county, while trying to save cattle, and there is a rumor of the loss of five lives at Boaz, Graves county.

5 kinds Felt Boots Guthrie Clo.Co

The Senate Wednesday passed the Pension Appropriation Bill, carrying \$139,847,000, and an urgent deficiency bill representing the sum of \$1,148,400. An item of \$500,000 to enable the Secretary of Agriculture to stamp out the foot and mouth disease is included in the latter measure.

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Don't fail to get one of those 100-Piece Dinner Sets we have been selling at \$7.50 for the price of \$5—this is only for a few days, so be sure and get one.
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